

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

GEORGE W. RUBRIGHT, )  
Plaintiff )  
vs. ) CIVIL NO. \_\_\_\_\_  
GREAT AMERICAN INSURANCE )  
COMPANY, )  
Defendant. )

**NOTICE OF REMOVAL**

Defendant Great American Insurance Company (“Great American”), hereby petitions this Court for removal, pursuant to 28 U.S.C. §§ 1441 and 1446, *et seq.*, to the United States District Court for the Middle District of Tennessee of the action styled George W. Rubright v. Great American Insurance Company, Cause No. 2010-CV-29, currently pending in the Circuit Court in and for Macon County, Tennessee (“the State Court Action”) and in support thereof would respectfully show the Court:

### State Court Action

1. Great American is the only Defendant in a civil action filed by George W. Rubright (“Plaintiff”) in the Circuit Court for Macon County, Tennessee, under Cause No. 2010-CV-29 (the “Lawsuit”). The Lawsuit was filed on March 24, 2010.

2. Great American received a copy of the initial process setting forth a claim for relief in the Lawsuit on or about April 12, 2010. A copy of the Complaint was received through service of process on the Tennessee Secretary of State. This Notice is accompanied by copies of all state-court process, pleadings, and orders served on, or filed by, Great American in the Lawsuit.

Removal is Timely

3. This notice of removal is filed within the time frame of thirty (30) days as set forth in 28 U.S.C. § 1446 from which the Court may ascertain that this action is removable. Further, this Notice of Removal is clearly filed within one (1) year after commencement of the State Court Action under 28 U.S.C. § 1446(b). As set forth hereinafter, removal of this cause is made pursuant to 28 U.S.C. § 1441(a) in that this civil action is one which invokes the Court's diversity jurisdiction.

Diversity of Citizenship Jurisdiction

4. Removal and jurisdiction of this Court are based upon diversity of citizenship pursuant to 28 U.S.C. §1332, and as such this Court has removal jurisdiction under the authority of 28 U.S.C. § 1441. This is a civil action in which the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs as to Plaintiff. Plaintiff is a citizen of the State of Tennessee. Defendant Great American is incorporated under the laws of the State of New York, with its principal place of business in Ohio. Thus, this civil action involves a controversy between citizens of different states.

Amount in Controversy

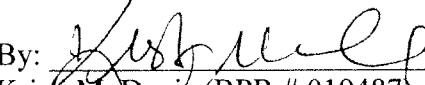
5. This is a civil action in which the amount in controversy is believed to exceed the sum of \$75,000, exclusive of interest and costs as to Plaintiff.

6. Defendant will give written notice of the filing of this Notice of Removal to Plaintiff's attorney of record and file a copy of this Notice of Removal with the Clerk of the Circuit Court of Macon County, Tennessee.

Prayer

WHEREFORE, Defendant prays that this Court accept jurisdiction and proceed with the handling of this cause as if it had been originally filed herein.

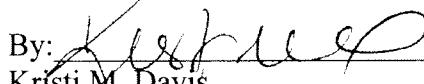
Respectfully submitted,

By:   
Kristi M. Davis (BPR # 019487)  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document has been served on May 12, 2010, by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to:

J. Ross Pepper  
One American Center  
3100 West End Avenue, Suite 1050  
Nashville, TN 37203

By:   
Kristi M. Davis